

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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SCOTT CAWTHON,

Plaintiff,

-v-

ZHOUSUNYIJIE,

Defendant.  
-----X

22-cv-3021 (LJL)

ORDER


LEWIS J. LIMAN, United States District Judge:

The motion to stay this case pending the appeal to the Second Circuit of the decision in *Smart Study Co. v. Acuteye-Us*, 2022 WL 2872297 (S.D.N.Y. July 21, 2022), which the Court relied on in part in its order denying Plaintiff's motion for alternative service upon defendant Zhousunyijie, Dkt. No. 16, is GRANTED. See *Allstar Marketing Group, LLC v. akron dh*, 2022 WL 17324939 at \*1 (S.D.N.Y. Nov. 29, 2022). The Court, however, reserves judgment on whether service of process would be timely under Federal Rule of Civil Procedure 4(m) if service is not effectuated during the stay of this action. The parties are ORDERED to write to the Court within two weeks of a decision in *Smart Study Co.* or within five months of today, whichever occurs earlier, requesting that the Court schedule a status conference in this matter.

The Clerk of Court is respectfully directed to stay this action.

SO ORDERED.

Dated: February 22, 2023  
New York, New York

  
LEWIS J. LIMAN  
United States District Judge